



AF/2171 \$ IFW

PTO/SB/31 (05-03)  
Approved for use through 4/30/2003. OMB 0651-0031  
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**NOTICE OF APPEAL FROM THE EXAMINER TO  
THE BOARD OF PATENT APPEALS AND INTERFERENCES**

Docket Number (Optional)

Poly-32

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to "Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" on July 9, 2004

Signature

Typed or printed name

John C. Pokotylo

In re Application of  
David GOODMAN

Application Number  
09/941,072

Filed  
August 28, 2001

For

TRACKING FILES OF STORAGE MEDIA AND ENABLING USERS TO QUICKLY ASSOCIATE SUCH FILES WITH THE STORAGE MEDIA ON WHICH THEY ARE STORED

Art Unit  
2171

Examiner

Etienne Pierre Leroux

Applicant hereby **appeals** to the Board of Patent Appeals and Interferences from the last decision of the examiner.

The fee for this Notice of Appeal is (37 CFR 1.17(b))

\$ 330.00

☒ Applicant claims small entity status. See 37 CFR 1.27. Therefore, the fee shown above is reduced by half, and the resulting fee is:

\$ 165.00

☒ A check in the amount of the fee is enclosed.

☐ Payment by credit card. Form PTO-2038 is attached.

☐ The Director has already been authorized to charge fees in this application to a Deposit Account. I have enclosed a duplicate copy of this sheet.

☒ The Director is hereby authorized to charge any fees which may be required, or credit any overpayment to Deposit Account No. 50-1049 I have enclosed a duplicate copy of this sheet.

☐ A petition for an extension of time under 37 CFR 1.36(a) (PTO/SB/22) is enclosed.

**WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.**

I am the

☐ applicant/inventor.

☐ assignee of record of the entire interest.  
See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed.  
(Form PTO/SB/96)

☒ attorney or agent of record.

☐ attorney or agent acting under 37 CFR 1.34(a).  
Registration number if acting under 37 CFR 1.34(a) 36,242

Signature

John C. Pokotylo

Typed or printed name

(732) 542-9070

Telephone number

July 9, 2004

Date

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below\*.

☐ \*Total of \_\_\_\_\_ forms are submitted.

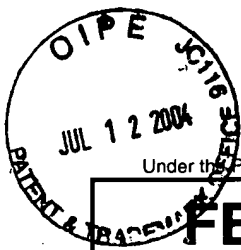
This collection of information is required by 37 CFR 1.191. The information is required to obtain or retain a benefit by the public which is to file (and by the US PTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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165.00 DP



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# FEE TRANSMITTAL for FY 2004

Effective 01/01/2003. Patent fees are subject to annual revision.

☒ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$ 165.00)

## Complete if Known

|                      |                       |
|----------------------|-----------------------|
| Application Number   | 09/941,072            |
| Filing Date          | August 28, 2001       |
| First Named Inventor | David GOODMAN         |
| Examiner Name        | Etienne Pierre Leroux |
| Art Unit             | 2171                  |
| Attorney Docket No.  | Poly-32               |

## METHOD OF PAYMENT (check all that apply)

☒ Check ☐ Credit card ☐ Money Order ☐ Other ☐ None☒ Deposit Account:Deposit Account Number  
Deposit Account Name

50-1049

Straub &amp; Pokotylo

The Commissioner is authorized to: (check all that apply)

☒ Charge any underpayment of fee(s) indicated below ☒ Credit any overpayments☒ Charge any additional fee(s) due in connection with the filing submitted herewith☐ Charge fee(s) indicated below, except for the filing fee in the to the above-identified deposit account.

## FEE CALCULATION

## 1. BASIC FILING FEE

| Large Entity |          | Small Entity |          | Fee Description        | Fee Paid   |
|--------------|----------|--------------|----------|------------------------|------------|
| Fee Code     | Fee (\$) | Fee Code     | Fee (\$) |                        |            |
| 1001         | 770      | 2001         | 385      | Utility filing fee     |            |
| 1002         | 340      | 2002         | 170      | Design filing fee      |            |
| 1003         | 530      | 2003         | 265      | Plant filing fee       |            |
| 1004         | 770      | 2004         | 385      | Reissue filing fee     |            |
| 1005         | 160      | 2005         | 80       | Provisional filing fee |            |
| SUBTOTAL (1) |          |              |          |                        | (\$ 00.00) |

## 2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

|                    |  |         |  |   |  |   |  |
|--------------------|--|---------|--|---|--|---|--|
| Total Claims       |  | -20** = |  | X |  | = |  |
| Independent Claims |  | -3** =  |  | X |  | = |  |
| Multiple Dependent |  |         |  |   |  | = |  |

| Large Entity |          | Small Entity |          | Fee Description   | Fee Paid   |
|--------------|----------|--------------|----------|---|------------|
| Fee Code     | Fee (\$) | Fee Code     | Fee (\$) |   |            |
| 1202         | 18       | 2202         | 9        | Claims in excess of 20                                    |            |
| 1201         | 86       | 2201         | 43       | Independent claims in excess of 3                         |            |
| 1203         | 290      | 2203         | 145      | Multiple dependent claim, if not paid                     |            |
| 1204         | 86       | 2204         | 43       | **Reissue independent claims over original patent         |            |
| 1205         | 18       | 2205         | 9        | **Reissue claims in excess of 20 and over original patent |            |
| SUBTOTAL (2) |          |              |          |   | (\$ 00.00) |

\*\*or number previously paid, if greater, For Reissues, see above

## FEE CALCULATION (continued)

## 3. ADDITIONAL FEES

Large Entity Small Entity

| Fee Code | Fee (\$) | Fee Code | Fee (\$) | Fee Description  | Fee Paid |
|----------|----------|----------|----------|--|----------|
| 1051     | 130      | 2051     | 65       | Surcharge - late filing fee or oath  |          |
| 1052     | 50       | 2052     | 25       | Surcharge - late provisional filing fee or cover sheet                     |          |
| 1053     | 130      | 1053     | 130      | Non-English specification  |          |
| 1812     | 2,520    | 1812     | 2,520    | For filing a request for ex parte reexamination                            |          |
| 1804     | 920*     | 1804     | 920*     | Requesting publication of SIR prior to Examiner action                     |          |
| 1805     | 1,840*   | 1805     | 1,840*   | Requesting publication of SIR after Examiner action                        |          |
| 1251     | 110      | 2251     | 55       | Extension for reply within first month                                     |          |
| 1252     | 420      | 2252     | 210      | Extension for reply within second month                                    |          |
| 1253     | 950      | 2253     | 475      | Extension for reply within third month                                     |          |
| 1254     | 1,480    | 2254     | 740      | Extension for reply within fourth month                                    |          |
| 1255     | 2,010    | 2255     | 1,005    | Extension for reply within fifth month                                     |          |
| 1401     | 330      | 2401     | 165      | Notice of Appeal   | 165.00   |
| 1402     | 330      | 2402     | 165      | Filing a brief in support of an appeal                                     |          |
| 1403     | 290      | 2403     | 145      | Request for oral hearing   |          |
| 1451     | 1,510    | 1451     | 1,510    | Petition to institute a public use proceeding                              |          |
| 1452     | 110      | 2452     | 55       | Petition to revive - unavoidable   |          |
| 1453     | 1,330    | 2453     | 665      | Petition to revive - unintentional   |          |
| 1501     | 1,330    | 2501     | 665      | Utility issue fee (or reissue)   |          |
| 1502     | 480      | 2502     | 240      | Design issue fee   |          |
| 1503     | 640      | 2503     | 320      | Plant issue fee  |          |
| 1460     | 130      | 1460     | 130      | Petitions to the Commissioner  |          |
| 1807     | 50       | 1807     | 50       | Processing fee under 37 CFR 1.17(c)  |          |
| 1806     | 180      | 1806     | 180      | Submission of Information Disclosure                                       |          |
| 8021     | 40       | 8021     | 40       | Recording each patent assignment per property (times number of properties) |          |
| 1809     | 770      | 2809     | 385      | Filing a submission after final rejection (37 CFR 1.129(a))                |          |
| 1810     | 770      | 2810     | 385      | For each additional invention to be examined (37 CFR 1.129(b))             |          |
| 1801     | 770      | 2801     | 385      | Request for Continued Examination (RCE)                                    |          |
| 1802     | 900      | 1802     | 900      | Request for expedited examination of a design application                  |          |

Other fee (specify)

\* Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$ 165.00)

## SUBMITTED BY

(Complete if applicable)

|                   |                  |                                   |              |           |                |
|-------------------|------------------|-----------------------------------|--------------|-----------|----------------|
| Name (Print/Type) | John C. Pokotylo | Registration No. (Attorney/Agent) | 36,242       | Telephone | (732) 542-9070 |
| Signature         |                  | Date                              | July 9, 2004 |           |                |

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Please type a plus sign (+) inside this box --->

Modified PTO/SB/21 (08-00)  
Approved for use through 10/31/2002. OMB 0651-0031  
U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

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|   |                             |                                       |
|---|-----------------------------|---------------------------------------|
| <b>TRANSMITTAL<br/>FORM</b><br><br>(to be used for all correspondence after initial filing) | <b>Application Number</b>   | 09/941,072                            |
|   | <b>Filing Date</b>          | August 28, 2001                       |
|   | <b>First Named Inventor</b> | David GOODMAN                         |
|   | <b>Group Art Unit</b>       | 2171                                  |
|   | <b>Examiner Name</b>        | Etienne Pierre Leroux                 |
| <b>Total Number of Pages in This Submission</b>   |                             | <b>Attorney Docket Number</b> Poly-32 |

| ENCLOSURES (check all that apply)  |   |   |
|--|---|---|
| <input checked="" type="checkbox"/> Fee Transmittal Form<br><input checked="" type="checkbox"/> Fee Attached<br><br><input type="checkbox"/> Amendment / Reply<br><input type="checkbox"/> After Final<br><input type="checkbox"/> Affidavits/declaration(s)<br><br><input type="checkbox"/> Extension of Time Request<br><br><input type="checkbox"/> Express Abandonment Request<br><br><input type="checkbox"/> Information Disclosure Statement<br><br><input type="checkbox"/> Certified Copy of Priority Document(s)<br><br><input type="checkbox"/> Response to Missing Parts/<br>Incomplete Application<br><br><input type="checkbox"/> Response to Missing Parts<br>under 37 CFR 1.52 or 1.53 | <input type="checkbox"/> Assignment Papers<br>(for an Application)<br><br><input type="checkbox"/> Drawing(s)<br><br><input type="checkbox"/> Licensing-related Papers<br><br><input type="checkbox"/> Petition<br><br><input type="checkbox"/> Petition to Convert to a<br>Provisional Application<br><br><input type="checkbox"/> Power of Attorney, Revocation<br>Change of Correspondence<br>Address<br><br><input type="checkbox"/> Terminal Disclaimer<br><br><input type="checkbox"/> Request for Refund<br><br><input type="checkbox"/> CD, Number of CD(s) _____ | <input type="checkbox"/> After Allowance Communication<br>to Group<br><br><input type="checkbox"/> Appeal Communication to Board<br>of Appeals and Interferences<br><br><input checked="" type="checkbox"/> Appeal Communication to Group<br>(Appeal Notice, Brief, Reply Brief)<br><br><input type="checkbox"/> Proprietary Information<br><br><input type="checkbox"/> Status Letter<br><br><input checked="" type="checkbox"/> Postcard Receipt<br><br><input type="checkbox"/> Other Enclosure(s) (please<br>identify below): |
| <b>Remarks</b>   |   |   |

| SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT |                                    |
|--|------------------------------------|
| Firm<br>or<br>Individual name              | John C. Pokotylo (Reg. No. 36,242) |
| Signature                                  |                                    |
| Date                                       | July 9, 2004                       |

| CERTIFICATE OF MAILING   |                  |      |              |
|--|------------------|------|--------------|
| I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class<br>mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on this date: <span style="border: 1px solid black; padding: 2px;">July 9, 2004</span> |                  |      |              |
| Typed or printed name  | John C. Pokotylo |      |              |
| Signature  |                  | Date | July 9, 2004 |

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